

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15167 of 2007

Dated: 17-07-2007

Between:

Smt.Lakshmi and others.

..... PETITIONERS

AND

The District Collector, Anantapur, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15167 of 2007

ORDER:

The petitioners are the daughters of fourth respondent. They filed instant writ petition assailing a notice issued by the Tahsildar bearing R.C.No.363/06/A dated 23.06.2007 requesting fourth respondent to go over to the office of the Sub-Registrar, Uravakonda, for registration of the land admeasuring Acs.5.00 in survey No.237 situated at Thatrakal Village, Vajrakarur Mandal, Anantapur District, duly accepting the amount of compensation for said land. It is the case of the petitioners that they are the legatees of said land under an unregistered Will dated 25.07.2005 allegedly executed by their grandfather late R.Veerabhadrapa and therefore, fourth respondent was not entitled to give consent for acquiring the land for Indiramma Gruha Nirmana Pathakam. Besides seeking invalidation of said notice, the petitioners pray for a consequential direction not to dispossess them.

The impugned notice is in Telugu. The translation thereof, which is self-explanatory, reads as under.

Tahasildar office
Vajrakarur
23.6.2007

Rc.No.363/06/A

NOTICE

Urgent notice issued to Smt.Rupanaguti Meenakshamma w/o Late Basavana Goud, resident of Tatrakal village, Vajrakarur Mandal.

You have given your consent for acquiring the lands in Sy.No.237 to an extent of Ac.5.00 under "Indiramma Gruha Nirmana Pathakam" for allotment to houseless poor persons in the presence of Hon'ble District Collector, Anantapur, Revenue Divisional Officer, Anantapur and Tahasildar, Vajrakarur. You have also signed on Rs.20/- stamp paper on 20.12.2006 before the Joint Collector, Anantapur. Afterwards, combines sketch, list of beneficiaries, report of Revenue Inspector II of Vajrakarur mandal together with E.C. was forwarded to the Revenue Divisional Officer and District Collector, Anantapur. These lands are given as pattas under Indiramma Pathakam to the house less persons and the District Collector has issued D.D. dated 19.4.2007 for Rs.3,50,000/- @ R.70,000/- per acre to the office of the Tahasildar, Vajrakarur. From that day you have been orally informed to come to Sub Registrar Office, Uravakonda to collect the D.Ds. You have not come for registration thus causing inconvenience to the government as well as the people.

The notice is issued asking to come to Sub Registrar Office,

Uravakonda for registration of the lands taken under land the scheme. It is hereby informed failing to do so, the government will take over the land.

Treat this as Most Urgent

Sd/-

Tahasildar
Vajrakarur Mandal
Anantapur District

To
Smt.Rupagudi Meenakshamma
W/o Late Basavana Goud
Vatrakallu village

Copy submitted to
The Revenue Divisional Officer, Anantapur for information
please.

//translated copy//

A perusal of the impugned notice dated 23.06.2007 would show that fourth respondent gave her consent for acquiring the land duly signing on Rs.20/- stamp paper on 20.12.2006 before the Joint Collector, Anantapur, and pursuant thereof an amount of Rs.3,50,000/- by way of a demand draft dated 19.04.2007 was kept ready in the office of the Tahsildar, but fourth respondent did not turn up to accept the money and register the land in favour of the Government. If the petitioners claim that they have a share in the land and that fourth respondent could not have given her consent for acquiring the land, the remedy for them is to approach the Joint Collector and submit a memorandum/petition, in which event, the same shall be enquired into. This writ petition involves the determination of the right of the petitioners based on unregistered Will dated 25.07.2005 and such question certainly cannot be gone into a writ petition.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

(V.V.S.RAO, J)

17th July, 2007
ghn